REMARKS

Claims 1, 4-6, 17, 20-23 and 26-28 remain pending in the application, claims 2, 3, 7-16, 18, 19, 24 and 25 having been previously canceled.

Claims 1, 4-6, 17, 20-23 and 26-28 variously over LaPorta, Holmes, Granstam, Couts and Sladek

In the Office Action, claims 1, 5, 17, 21, 23, and 27 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 5,959,543 to LaPorta et al. ("LaPorta") in view of U.S. Pat. No. 6,134,432 to Holmes et al. ("Holmes"); claims 4, 20 and 26 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over LaPorta in view of Holmes, and further in view of U.S. Pat. No. 5,974,054 to Couts et al. ("Couts"); and claims 6, 22 and 28 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over LaPorta in view of Holmes, and further in view of U.S. Pat. No. 6,718,178 to Sladek et al. ("Sladek"). The Applicants respectfully traverse the rejections all based on the primary reference LaPorta in view of Holmes.

Claims 1, 4-6, 17, 20-23 and 26-28 recite, *inter alia*, assigning **each** of a plurality of subscriber queues a <u>maximum number of short messages</u> that the plurality of subscriber queues can store.

The Examiner points to LaPorta's Fig. 5, item 100, Fig. 10, and col. 13, lines 5-10 to disclose a plurality of subscriber queues that each correspond to a different subscriber. (see Office Action, page 3) LaPorta appears to disclose a batch server that includes Unacknowledged Message Queues (UMQs) which contain messages that are to be delivered on the downlink. (see col. 13, lines 5-7) The UMQs are logically organized on a per messaging device basis. (see LaPorta, col. 13, lines 7-8) The batch server 100 uses a stop-and-go strategy in delivering messages, i.e., it will not deliver a new message to a messaging device until the previous message to the messaging device has been acknowledged. (see LaPorta, col. 13, lines 10-15)

LaPorta discloses a plurality of subscriber queues that each correspond to a different subscriber. However LaPorta fails to disclose, teach or

suggest adding a <u>limit</u> as to the number of messages that can be stored within the plurality of subscriber queues, much less assigning **each** of a plurality of subscriber queues a <u>maximum number of short messages</u> that the plurality of subscriber queues can store, as recited by claims 1, 4-6, 17, 20-23 and 26-28.

Holmes is relied on to disclose a messaging communication system utilizing SMTP and SMPP protocols. (see Office Action, page 3) Thus, LaPorta even in view of Holmes's alleged disclosure fails to disclose, teach or suggest assigning **each** of a plurality of subscriber queues a <u>maximum number of short messages</u> that the plurality of subscriber queues can store, as recited by claims 1, 4-6, 17, 20-23 and 26-28.

Moreover, Holmes appears to disclose a queue manager that maintains queue tables in a data store. (see col. 10, lines 23-24) For each new unsent message added to the message store, an entry is created in the queue data store, with messages retrieved in order of priority and submission date. (see Holmes, col. 10, lines 24-27) Holmes, like LaPorta, fails to disclose, teach or suggest assigning **each** of a plurality of subscriber queues a <u>maximum number of short messages</u> that the plurality of subscriber queues can store, as recited by claims 1, 4-6, 17, 20-23 and 26-28.

Limitation of **each** of a plurality of subscriber queues to a <u>maximum number of short messages</u> that the plurality of subscriber queues can store has a very important advantage over the cited art. It is often the case that a small number of MINs are responsible for a disproportionately large number of messages being delivered within a network, called churning. The inventors have realized that this can result in large bandwidth usage that can interfere with delivery of messages to other subscribers. Implementation of a <u>limit</u> to control the maximum number of messages that can be stored for **each** subscriber queue reduces the influence of any single subscriber queue has on a message delivery system. The claimed features having such benefits are not disclosed, taught or suggested by the cited prior art.

Accordingly, for at least all the above reasons, claims 1, 4-6, 17, 20-23 and 26-28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

William H. Bollman
Reg. No. 36,457

MANELLI DENISON & SELTER PLLC
2000 M Street, NW   7TH Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336
WHB/df